

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

RAVENWHITE LICENSING, LLC,

\_\_\_\_\_  
*Plaintiff(s)*

v.

THE HOME DEPOT, INC. and HOME DEPOT  
U.S.A., INC.

\_\_\_\_\_  
*Defendant(s)*

Civil Action No. 2:23-cv-00423

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Home Depot U.S.A., Inc. c/o  
Corporation Service Company D/B/A CSC-Lawyers Inco.,  
211 E. 7th Street, Suite 620, Austin, TX 78701

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

The Dacus Firm, P.C.  
Deron R. Dacus Texas Bar No. 00790553  
ddacus@dacusfirm.com  
821 ESE Loop 323, Suite 430  
Tyler, TX 75701

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 9/18/23



CLERK OF COURT

David A. O'Toole  
Signature of Clerk or Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Robert F. Kramer (SBN 181706) / David Alberti (SBN 220625)</b> <b>KRAMER ALBERTI LIM &amp; TONKOVICH LLP</b> <b>577 Airport Blvd, Suite 250</b> <b>Burlingame, CA. 94010</b> TELEPHONE NO.: (650) 825-4300 FAX NO.: (optional) (650) 460-8443 E-MAIL ADDRESS (Optional): rkramer@krameralberti.com / dalberti@krameralberti.com ATTORNEY FOR (Name): Plaintiff, RAVENWHITE LICENSING LLC	<b>FOR COURT USE ONLY</b>
<b>UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF TEXAS</b> STREET ADDRESS: 100 E Houston St MAILING ADDRESS: 100 E Houston St CITY AND ZIP CODE: Marshall, TX 75670 BRANCH NAME: Marshall Division	
PLAINTIFF/PETITIONER: RAVENWHITE LICENSING, LLC DEFENDANT/RESPONDENT: THE HOME DEPOT, INC., ET AL.	CASE NUMBER: 2:23-cv-00423-JRG-RSP
<b>PROOF OF SERVICE OF SUMMONS IN A CIVIL ACTION</b>	Ref. No. or File No.: 96738

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a. ☒ summons (SUMMONS IN A CIVIL ACTION)
  - b. ☒ complaint
  - c. ☐ Alternative Dispute Resolution (ADR) package
  - d. ☐ Civil Case Cover Sheet (served in complex cases only)
  - e. ☐ cross-complaint
  - f. ☒ other (specify documents): Civil Cover Sheet
3. a. Party served (specify name of party as shown on documents served):  
**HOME DEPOT U.S.A., INC.**
  - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):  
 CORPORATION SERVICE COMPANY, AGENT FOR SERVICE OF PROCESS BY LEAVING DOCUMENTS WITH KANEISHA GROSS, PROCESS SPECIALIST, AUTHORIZED TO ACCEPT SERVICE
4. Address where the party was served:  
 211 E. 7th Street Austin, TX 78701
5. I served the party (check proper box)
  - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 09/19/2023 (2) at (time): 3:28PM
  - b. ☐ **by substituted service.** On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
    - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
    - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

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DEFENDANT/RESPONDENT: THE HOME DEPOT, INC., ET AL.	

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (*specify means of service and authorizing code section*):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (*specify*):
- c. ☐ as occupant.
- d. ☒ On behalf of (*specify*): HOME DEPOT U.S.A., INC.

under the following Code of Civil Procedure section:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation)          | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input type="checkbox"/> other:                                       |

7. **Person who served papers**

- a. Name: KELLY LAND
- b. Address: County Legal Attorney Service, 816 S. Figueroa St., Ste. 100, Los Angeles, CA 90017
- c. Telephone number: (213) 327-0014
- d. **The fee** for service was:
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


or

9. ☐ **I am a California sheriff or marshal and** I certify that the foregoing is true and correct.

Date: September 26, 2023

KELLY LAND

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

  
(SIGNATURE)